

**Subpart D—Beef Promotion and Research: Certification and Nomination Procedures for the Cattlemen's Beef Promotion and Research Board**

SOURCE: 51 FR 11559, Apr. 4, 1986, unless otherwise noted. Redesignated at 51 FR 26138, July 18, 1986, and further redesignated at 51 FR 35197, Oct. 1, 1986. Redesignated also at 53 FR 9858, Mar. 28, 1988.

**§ 1260.500 General.**

State organizations or associations shall be certified by the Secretary as provided for in the Beef Promotion and Research Act of 1985 to be eligible to make nominations of cattle producers to the Board. Additionally, where there is no eligible organization or association in a State, the Secretary may provide for nominations in the manner prescribed in this subpart. Organizations or associations determined by the Secretary to represent importers of cattle, beef, and beef products may submit nominations for membership on the Board in a manner prescribed by the Secretary in this subpart. The number of nominees required for each allotted position will be determined by the Secretary.

**§ 1260.510 Definitions.**

As used in this subpart:

*Act* means the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901–2918).

*Beef* means the flesh of cattle.

*Beef products* means edible products produced in whole or in part from beef, exclusive of milk and milk products produced therefrom.

*Board* means the Cattlemen's Beef Promotion and Research Board established under section 5(1) of the Act.

*Cattle* means live, domesticated bovine animals regardless of age.

*Department* means the United States Department of Agriculture.

*Importer* means a person who imports cattle, beef, or beef products from outside the United States.

*Livestock and Seed Division* means the Livestock and Seed Division of the Department's Agricultural Marketing Service.

*Producer* means a person who owns or acquires ownership of cattle, except

that a person shall not be considered to be a producer if the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

*State* means each of the 50 States.

*Unit* means a State or combination of States which has a total inventory of not less than 500,000 head of cattle; or importers.

**§ 1260.520 Responsibility for administration of regulations.**

The Livestock and Seed Division shall have the responsibility for administering the provisions of this subpart.

**§ 1260.530 Certification of eligibility.**

(a) *State organizations or associations: Requirements for certification.* (1) To be eligible for certification to nominate producer members to the Board, State organizations or associations must meet all of the following criteria:

(i) Total paid membership must be comprised of at least a majority of cattle producers or represent at least a majority of cattle producers in a State or unit.

(ii) Membership must represent a substantial number of producers who produce a substantial number of cattle in such State or unit.

(iii) There must be a history of stability and permanency.

(iv) There must be a primary or overriding purpose of promoting the economic welfare of cattle producers.

(2) Written evidence of compliance with the certification criteria shall be contained in a factual report submitted to the Secretary by all applicant State organizations or associations.

(3) The primary consideration in determining the eligibility of a State organization or association shall be based on the criteria set forth in this section. However, the Secretary may consider any additional information that the Secretary deems relevant and appropriate.